

**SUPREME COURT MINUTES  
MONDAY, APRIL 12, 2004  
SAN FRANCISCO, CALIFORNIA**

**S113136**  
C037254 Third Appellate District

BRONCO WINE COMPANY v. JOLLY  
Supplemental briefing ordered

The court requests the parties to file supplemental briefs in this case, addressing the effect, if any, of the following:

1. General food and beverage statutes enacted in the mid-nineteenth century and early twentieth century by other jurisdictions, including: 1895 Conn. Pub. Acts ch. 235, §§ 1, 2, p. 578; 1899 Ind. Acts ch. 121, § 1, pp. 189-190; 1890 Md. Laws ch. 604, § 1, p. 733; 1882 Mass. Acts ch. 263, §§ 1-3, pp. 206-207; 1895 N.C. Session Laws ch. 122, §§ 1, 2, 5, pp. 176-178; 1905 N.D. Laws ch. 11, §§ 1-2, pp. 19-20; 1903 N.D. Laws ch. 6, §§ 1-2, pp. 9-10; 1905 N.Y. Laws ch. 100, § 1, p. 141; 1903 N.Y. Laws, ch. 524, § 1, p. 1192; 1893 N.Y. Laws, ch. 338; 1890 Ohio Laws § 3, p. 248; 1884 Ohio Laws § 3, p. 67; 1895 Pa. Laws No. 233, § 3, p. 317; 1905 S.D. Laws ch. 114, §§ 6, 8 & 10, pp. 162-163; 1897 Tenn. Pub. Acts ch. 45, §§ 1, 4, pp. 177-178; 1899 Wash. Laws ch. 113, §§ 1-3, pp. 183-184; 1879 Wis. Laws ch. 248, § 3, pp. 501-502.

2. Wine regulation statutes enacted in the mid-nineteenth century and early twentieth century by other jurisdictions, including: 1904 Ark. Acts ch. 103, § 5101; 1899 Ark. Acts act 80, pp. 137-138; 1897 Ark. Acts act 42, § 4, p. 108; 1887 Colo. Session Laws No. 330, §§ 3 & 4, pp. 18-19; 1887 N.Y. Laws ch. 603 §§ 1-4; 1891 Ohio Laws §§ 2-4, pp. 231-233; 1889 Ohio Laws p. 96 et seq.

3. Cal. Dept. of Pub. Health, Rules and Regulations for the Enforcement of the Cal. Pure Foods and Drugs Acts (1933), reg. 13(d) & (e), p. 18.

4. Cal. Dept. of Pub. Health, Bur. of Food and Drug Inspection, Definitions and Standards — Wines (adopted Dec. 31, 1934; as amended Apr. 13, 1935), pp. 1-3.

5. General food and beverage statutes of other jurisdictions extant in August 1935,

including: Ark. Code Ann. ch. 69, §§ 4822, 4823 (1919); Colo. Rev. Stats. Ann. ch. 1, §§ 5, 6 (1930); Mass. Gen. Laws Ann. ch. 94, §§ 1, 187 (1932); 1923 N.D. Laws ch. 222, §§ 4, 6, pp. 289-291; N.Y. Agric. & Mkts. Law art. 17, § 2, pars. 2 & 3, § 200, pars. 2 & 3 (Consol. 1930); Wash. Rev. Code tit. 40, ch. 12, §§ 6145, 6147 (1932).

6. California administrative bulletins and reports published in the mid-1930s and early 1940s, including: Cal. Dept. of Pub. Health Weekly Bull. (Feb. 19, 1938) pp. 13-14; Cal. Dept. of Pub. Health, 36th Biennial Rep. (Sept. 1940) p. 177; Cal. Dept. of Pub. Health, 35th Biennial Rep. (Sept. 1938) p. 142; Cal. Dept. of Pub. Health, 34th Biennial Rep. (Sept. 1936) p. 100.

7. Stats. 1939, ch. 1033, §§ 1-4, p. 2838; Cal. Dept. of Pub. Health, Reg. Establishing Standards of Identity, Quality, Purity and Sanitation and Governing the Labeling and Advertising of Wine in the State of Cal. (May 23, 1942) art. I, § 2(aa) & art. III, § 12(1).

8. 16 Tex. Admin. Code §§ 45.45(b) & (c) (1976) & 45.52(1) (1976); Wash. Admin. Code, §§ 314-24-003(5) (1976) & 314-24-040(4).

9. Or. Liquor Control Com. (OLCC) rule 845-10-292(6)(c), eff. Mar. 1, 1977 (currently OLCC rule 845-010-0920(1) & (2)); OLCC rule 845-10-292(6)(e), eff. Mar. 1, 1977 (currently OLCC rule 845-010-0920(f)).

(Copies of the regulations adopted in 1933, 1934, and 1942 (see nos. 3, 4 & 7, *ante*) will be provided to the parties with this order.)

Simultaneous supplemental letter briefs shall be filed in the San Francisco office of the court on or before Monday, April 26, 2004. Reply letter briefs may be filed in the San Francisco office of the court on or before Monday, May 3, 2004.

The court anticipates that this matter may be set for oral argument in late May or June 2004.

**S015008**

PEOPLE v. SCHMECK (MARK L.)  
Extension of time granted

to June 8, 2004 to file appellant's reply brief.

**S023421**

PEOPLE v. BUNYARD (JERRY T.)

Extension of time granted

to June 1, 2004 to file appellant's opening brief. After that date, no further extensions will be granted. Extension is granted based upon Counsel George L. Schraer's representation that he anticipates filing that brief by June 1, 2004.

**S026634**

PEOPLE v. WATKINS (PAUL SODOA)

Extension of time granted

to June 7, 2004 to file the respondent's brief.

**S037625**

PEOPLE v. HARRIS (LANELL)

Extension of time granted

to June 7, 2004 to file appellant's opening brief. After that date, only two further extensions totaling 120 additional days will be granted. Extension is granted based upon Deputy State Public Defender Joel Kirshenbaum's representation that he anticipates filing that brief by October 1, 2004.

**S042698**

PEOPLE v. JURADO (ROBERT)

Extension of time granted

to June 8, 2004 to file respondent's brief. After that date, no further extensions will be granted. Extension is granted based upon Deputy Attorney General Larissa Karpovics Hendren's representation that she anticipates filing that brief by June 8, 2004.

**S043628**

PEOPLE v. CARRINGTON (CELESTE)

Extension of time granted

to June 4, 2004 to file respondent's brief. After that date, only one further extensions totaling 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Amy Haddix's representation that she anticipates filing that brief by August 3, 2004.

**S047868**

PEOPLE v. GEORGE (JOHNATON S.)

Extension of time granted

to June 8, 2004 to file the appellant's opening brief. After that date, only four further extensions totaling about 200 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S049596**

PEOPLE v. BRYANT, SMITH &amp; WHEELER

Extension of time granted (2)

- (1) to June 9, 2004 to file appellant DONALD SMITH's opening brief. After that date, only one further extensions totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.
- (2) to June 11, 204 to file appellant STANLEY BRYANT's opening brief. After that date, only two further extensions totaling 80 additional days will be granted. Extension is granted based upon Assistant State Public Defender Kathleen M. Scheidel's prior representation that she anticipates filing that brief by 8/31/2004.

**S049743**

PEOPLE v. YOUNG (CAROLINE)

Extension of time granted

to June 15, 2004 to file appellant's opening brief. After that date, no further extensions will be granted. Extension is granted based upon Counsel Stephanie Clark's representation that she anticipates filing that brief by 6/15/2004.

**S050082**

PEOPLE v. GEIER (CHRISTOPHER A.)

Extension of time granted

to June 7, 2004 to file appellant's opening brief. After that date, only two further extensions

totaling about 120 additional days will be granted. Extension is granted based upon Interim State Public Defender Barry P. Helft's representation that he anticipates filing that brief by October 6, 2004.

**S052288**

PEOPLE v. HAMILTON (BERNARD)

Extension of time granted

to May 13, 2004 to file appellant's opening brief. After that date, no further extensions will be granted. Extension is granted based upon Deputy State Public Defender Arnold A. Erickson's representation that he anticipates filing that brief by May 13, 2004.

**S054489**

PEOPLE v. DOOLIN (KEITH Z.)

Extension of time granted

to June 11, 2004 to file respondent's brief. After that date, only two further extensions totaling 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Lloyd G. Carter's representation that he anticipates filing that brief by 9/3/2004.

**S054569**

PEOPLE v. WHALEN (DANIEL L.)

Extension of time granted

to June 2, 2004 to file appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S058025**

PEOPLE v. FOSTER (RICHARD D.)

Extension of time denied

to June 8, 2004 to file appellant's opening brief. After that date, only one further extensions totaling 30 additional days will be granted.

Extension is granted based upon counsel William D. Farber's representation that he anticipates filing that brief by July 11, 2004.

**S064306**

PEOPLE v. FAMALARO (JOHN J.)  
Extension of time granted

to June 14, 2004 to file appellant's opening brief. After that date, only eight further extensions totaling 480 additional days will be granted. Extension is granted based upon Deputy State Public Defender Joel Kirshenbaum's representation that he anticipates filing that brief by October 2005.

**S064415**

PEOPLE v. BRAMIT (MICHAEL L.)  
Extension of time granted

to June 14, 2004 to file appellant's opening brief. After that date, only five further extensions totaling 300 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it

**S064733**

PEOPLE v. ABEL (JOHN C.)  
Extension of time granted

to June 7, 2004 to file appellant's opening brief. After that date, only one further extensions totaling 30 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

**S065233**

PEOPLE v. SMITH (FLOYD)  
Extension of time granted

to June 4, 2004 to file appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any of this schedule, and to take all steps necessary to meet it.

**S066939**

PEOPLE v. ALLEN & JOHNSON  
Extension of time granted

to June 14, 2004 to file appellant JOHNSON'S opening brief. After that date, only two further extensions totaling 75 additional days will be granted. Extension is granted based upon Assistant State Public Defender Andrew S. Love's representation that he anticipates filing that brief by September 1, 2004.

**S067678**

PEOPLE v. MENDOZA (MARTIN)  
Extension of time granted

to June 14, 2004 to file the appellant's opening brief. After that date, only 3 further extensions totaling 165 additional days will be granted. Extension is granted based upon Deputy State Public Defender Marianne Bacher's representation that she anticipates filing that brief by 11/30/04.

**S069685**

PRICE (CURTIS F.) ON H.C.  
Extension of time granted

to May 6, 2004 to file petitioner's traverse to the return to the order to show cause.

**S075725**

PEOPLE v. JONES (KIONGOZI)  
Extension of time granted

to June 1, 2004 to file appellant's opening brief. After that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her supervising attorney or entity, if any, of this schedule, and to take all steps necessary to meet it.

**S078404**

PEOPLE v. BRADY (ROGER H.)  
Extension of time granted

Appellant's request for relief from default to file a request for extension of time to file the

appellant's opening brief is granted. Extension of time is granted to 5/21/2004 to file appellant's opening brief. After that date, only one further extension totaling about 50 additional days will be granted. Extension is granted based upon counsel Susan K. Marr's representation that she anticipates filing that brief by 6/30/2004.

**S114347**

ARIAS (PEDRO) ON H.C.  
Extension of time granted

to May 10, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon Tim Brosnan's representation that he anticipates filing that document by 5/10/2004.

**S115818**

SMITH (GREGORY C.) ON H.C.  
Extension of time granted

to May 10, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon counsel William M. Goodman's representation that he anticipates filing that document by May 10, 2004.

**S115894**

STITELY (RICHARD) ON H.C.  
Extension of time granted

to May 10, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon counsel Joel Levine's representation that he anticipates filing that document by 5/9/2004.

**S116554**

AVILA (JOHNNY) ON H.C.  
Extension of time granted

to May 10, 2004 to file the informal response. After that date, only two further extensions



totaling 70 additional days will be granted. Extension is granted based upon Deputy Attorney General Louis Vasquez's representation that he anticipates filing that document by July 16, 2004.

**S116587**

HEMPHILL (CURTIS A.) ON H.C.  
Extension of time granted

to respondent to serve and file the informal response to May 12, 2004.

**S117268**

HOLLOWAY (DUANE) ON H.C.  
Extension of time granted

to May 7, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon counsel Mark D. Greenberg's representation that he anticipates filing that document by that date.

**S117816**

H023158 Sixth Appellate District

MARINA, CITY OF v. BOARD OF TRUSTEES  
Extension of time granted

to April 28, 2004 to file application and amicus brief of Coalition for Adequate School Housing.

**S119420**

ERVIN (CURTIS L.) ON H.C.  
Extension of time granted

to April 19, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon Deputy Attorney General Allan Yannow's representation that he anticipates filing that document by April 17, 2004.

**S120020**TAFOYA (INGNACIO A.) ON H.C.  
Extension of time granted

to May 3, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon Supervising Deputy Attorney General Meagan J. Beale's representation that she anticipates filing that document by May 1, 2004.

**S120084**MILLWEE (DONALD R.) ON H.C.  
Extension of time granted

to May 5, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon Deputy Attorney General Susan Elizabeth Miller's representation that she anticipates filing that document by that date.

**S120677**A099674 First Appellate District,  
Division TwoPEOPLE v. SORDEN  
Extension of time granted

to appellant to serve and filed the answer brief on the merits to May 10, 2004.

**S121004**DANKS (JOSEPH MARTIN) ON H.C.  
Extension of time granted

to May 10, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Lloyd G. Carter's representation that he anticipates filing that document by June 2, 2004.

**S121562**VEASLEY (CHAUNCEY) ON H.C.  
Extension of time granted

to May 7, 2004 to file the informal response to the petition for writ of habeas corpus. After that

date, no further extensions will be granted.  
Extension is granted based upon Deputy  
Attorney General Joseph P. Lee's representation  
that he anticipates filing that document by  
May 7, 2004.

**S121789**

STATEN (DEONDRE ARTHUR) ON H.C.  
Extension of time granted

to May 10, 2004 to file the informal response to  
the petition for writ of habeas corpus. After that  
date, no further extensions will be granted.  
Extension is granted based upon Deputy  
Attorney General Scott A. Taryle's  
representation that he anticipates filing that  
document by May 9, 2004.

**S122384**

STURM (GREGORY) ON H.C.  
Extension of time granted

to May 3, 2004 to file the informal response to  
the petition for writ of habeas corpus. After that  
date, only three further extensions totaling 90  
additional days will be granted. Extension is  
granted based upon Deputy Attorney General  
Karl T. Terp's representation that he anticipates  
filing that document by July 30, 2004.

**S122545**

OLIVER (ANTHONY) ON H.C.  
Extension of time granted

to May 14, 2004 to file the informal response.  
After that date, only one further extensions  
totaling 30 additional days will be granted.  
Extension is granted based upon Deputy  
Attorney General Alan D. Tate's representation  
that he anticipates filing that document by mid  
June 2004.